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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,597	04/25/2000	Johannes G. Sinke	PHN 17,430	8237

7590

02/27/2003

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EXAMINER

NGUYEN, NAM V

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/557,597

Applicant(s)

SINKE ET AL.

Examiner

Nam V Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-10 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10 and 13-18 is/are rejected. 3 11-12 cancelled.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

This communication is in response to applicant's response to amendment B which is filed December 9, 2002.

An amendment to the claims 1-12 have been entered and made of record in the application of Sinke et al. for a "system for providing personalized services" filed April 25, 2000.

Claims 3 and 11-12 are cancelled. The new set of claims 13-18 are introduced.

Claims 1-2, 4-10, 13-18 are pending.

Response to Arguments

Applicant's amendment and arguments with respect to claims 1-12, filed July 12, 2002 have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-2, 6-10 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nickum (US# 6,359,661) and in view of Garnault (US# 5,929,769).

Referring to claims 1, 10 and 14, Nickum discloses a system (100, see Figure 1) for providing personalized services (column 2 lines 25 to 49), comprising an apparatus (110) (i.e. television receiver) which is capable of personalizing its behavior in accordance with a user profile (i.e. viewer profile parameters) (column 6 line 38 to column 7 line 33; column 8 lines 34 to 46), wherein the apparatus (110) is configured to effect the personalizing of its behavior based on the user identification (i.e. unique user id) (column 4 line 32 to column 5 line 21). However, Nickum did not explicitly disclose a gatekeeper device that is configured to selectively transmit a user identification only, in response to receipt of a communication from the apparatus.

In the same field of endeavor of recognizing an objects by identification, Garnault teaches that a gatekeeper device (4) (i.e. the transponder) that is configured to selectively transmit a user identification only (column 1 lines 22 to 40), in response to receipt of a communication from the apparatus (1) (i.e. a motor vehicle) (column 2 lines 36 to 40; column 2 lines 55 to 59; see Figure 1) in order to recognize the transponder and also to send other personalized information of the transponder that relating to the user without manually-actuated the transponder.

One of ordinary skilled in the art recognizes the need for the transponder to send a personalized information relating to the user with the identification code during interrogation of the transponder of Garnault in the user profile remote control of Nickum because Nickum suggests it is desired to provide that remote control transmit the identification for controlling the

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television receiver by manually inputting the user identification to match a user identification stored in memory (column 5 lines 52 to 59; column 8 lines 5 to 19; see Figure 4) and Garnault teaches that the transponder transmits an identification code with other personalized information relating to the user during an interrogation of the transponder (column 5 lines 12 to 19) in order to recognized that the remote control is approaching an object when the user in the immediate vicinity of said antenna of an object. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have a transponder to send a personalized information relating to the user with the identification code during interrogation of the transponder of Garnault in the user profile remote control of Nickum with the motivation for doing so would have been to avoid the step of manually sending an identification to the television receiver and setting up personalized information each time the television receiver is turned on in order to provide a convenient and efficient way for the user who wants a personalized controlling access to television programming.

Referring to claims 2 and 15, Nickum in view of Garnault discloses a system as claimed in Claims 1 and 14, Nickum discloses characterized in that the gatekeeper device (200) (i.e. remote control; see Figure 3) includes a user control (310 to 316) to selectively transmit the user identification (320) (column 4 lines 32 to column 4 lines 21).

Referring to claims 6 and 16, Nickum in view of Garnault disclose a system as claimed in Claims 1 and 14, Nickum discloses characterized in that the gatekeeper device (200) is further configured to enable selection of one or more options (i.e. program key, channel and volume

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control) that affect selectively transmitting the user identification (i.e. unique user id) at subsequent occasions (column 4 lines 32 to column 5 line 59; see Figures 3 and 4).

Referring to claim 7, Nickum in view of Garnault disclose a system as claimed in Claim 1, Nickum discloses characterized in that the apparatus (110) further configured to generate an identity tag which identifies a select personalization, and communicate the identity tag to the gatekeeper device (200) (column 5 lines 42 to 59), the gatekeeper device (200) being capable of storing said identity for use as the user identification at subsequent occasions (column 5 line 26 to column 6 line 19).

Referring to claim 8, Nickum in view of Garnault disclose a system, to the extent as claimed with respect to claim 1 above, and the system further including:

The gatekeeper device (200) (i.e. remote control) is capable of storing the user profile for selective communication to the apparatus (110) (column 2 lines 25 to 49; column 4 line 66 to column 5 line 21).

Referring to claims 9 and 18, Nickum in view of Garnault disclose a system as claimed in Claim 8, Nickum discloses characterized in that the apparatus (110) is capable of exchanging the user profile (i.e. user profile data) with the gatekeeper device (200) or another apparatus and the gatekeeper device is capable of exchanging the user profile with a plurality of other apparatuses (column 6 line 58 to column 7 line 33; see Figures 1, 6 and 7).

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Referring to claims 13 and 17, Nickum in view of Garnault disclose a system as claimed in Claims 1 and 14, Nickum discloses characterized in that the apparatus (110) is further configured to effect the personalizing of its behavior based on user behavior following a prior receipt of the user identification (column 2 lines 50 to 59; column 6 lines 58 to column 7 lines 11; column 8 lines 34 to 46).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nickum (US# 6,359,661) in view of Garnault (US# 5,929,769) as applied to claim 1 above, and in view of D'Angelo et al. (US# 6,265,974).

Referring to claim 4, Nickum in view of Garnault disclose a system as claimed in claim 1, however, Nickum in view of Garnault did not explicitly disclose the gatekeeper device is configured to provide notification of the communication from the apparatus.

In the same field of endeavor of monitoring relationship between mobile objects in communication system, D'Angelo et al. teach that the gatekeeper device (21) (i.e. child unit) is configured to provide notification of the communication from the apparatus (22) (i.e. parent unit) (column 5 lines 62 to column 6 line 18; column 12 line 54 to column 13 line 15) in order to let the parent know that the child has moved out of the near field proximity.

One of ordinary skilled in the art recognizes the need to notify the parent unit when the distance between the parent unit and the child unit is beyond the near field proximity of D'Angelo et al. in multiple user profile remote control of Nickum in view of Garnault because

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Nickum suggests it is desired to provide that remote control send to the television receiver the identification signal to identify the remote control unit with personalized programming control (column 3 lines 49 to 61; see Figure 1) and D'Angelo et al. teach that the child unit sends out a coded proximity check signal at a set near field proximity to notify the parent of movement and proximity (column 5 lines 62 to 68) in order to activates the alert warning device of the parent unit that the security of child may be compromised. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to notify the parent unit when the distance between the parent unit and the child unit is beyond the near field proximity of D'Angelo et al. in multiple user profile remote control of Nickum in view of Garnault with the motivation for doing so would have been to provide a notification to the television receiver that the remote control unit is approaching or near in order to identify which remote control unit to operate.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nickum (US# 6,359,661) in view of Garnault (US# 5,929,769) and in view of D'Angelo et al. (US# 6,265,974) as applied to claim 4 above and in further view of Kushiro et al. (US# 6,285,357).

Referring to claim 5, Nickum in view of Garnault and D'Angelo et al. disclose a system as claimed in claim 4, however, Nickum in view of Garnault and D'Angelo et al. did not explicitly disclose the communication from the apparatus includes an identification signal of the apparatus that distinguishes the apparatus from an other apparatus.

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In the same field of endeavor of remote control system that controlling a plurality of apparatuses, Kushiro et al. teach that communication from the apparatus (200, 300, 400 or 500; see Figure 13) (column 16 lines 24 to 31) includes an identification signal (i.e. device identification code) of the apparatus (200, 300, 400 or 500) that distinguishes the apparatus (200) (i.e. TV set) from an other apparatus (400)(i.e. an air conditioner) (column 19 line 40 to column 20 line 24; column 32 line 31 to 67) in order to decide and to instruct the device to be remotely controlled without interference with other devices.

One of ordinary skilled in the art recognizes the need to includes an identification signal of the apparatus of Kushiro et al. in the television receiver of Nickum in view of Garnault and D'Angelo et al. because Nickum suggests it is desired to provide that remote control send to the television receiver the identification signal to identify the remote control unit with personalized programming control (column 3 lines 49 to 61; see Figure 1) and Kushiro et al. teach that the each apparatus equips with a device identification code to distinguish from other apparatus to be remotely controlled (column 32 line 31 to 67) in order to activate the correct functions of each apparatus in a home network . Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to need to includes an identification signal of the apparatus of Kushiro et al. in the television receiver of Nickum in view of Garnault and D'Angelo et al. with the motivation for doing so would have been to provide a remote control unit could able to operate and control a plurality of apparatuses in order to minimize the confusion of which apparatus is controlling at the present.

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Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Garr et al. (US# 5,341,166) disclose a system for controlling selected devices having unique sets of control codes.

Luebke et al. (US# 6,034,617) disclose operator intent based passive keyless vehicle control system.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 703-305-3867. The examiner can normally be reached on Mon-Fri, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nam Nguyen
February 22, 2003



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